

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

BRIAN TROTTER,

Defendant.

8:11CR83

ORDER

This matter is before the court on defendant's motion to extend time to file his motion for habeas relief, pursuant to 28 U.S.C. § 2255. Filing No. 159. Defendant notes that he is currently in lockdown and does not have access to the legal library. The court entered judgment in this case on July 5, 2012. Filing No. 130. Defendant thereafter appealed, and the Eighth Circuit denied his appeal. Filing No. 153. Following the denial, defendant filed for certiorari with the United States Supreme Court, and the Supreme Court denied the writ on November 18, 2013. Filing No. 155. There is a one-year limitation period from the date the judgment of conviction becomes final. 28 U.S.C. § 2255(f)(1). It appears that defendant is still within that limitation time period. However, the court will construe defendant's motion, Filing No. 159, as one for § 2255 relief. The court will give the defendant until January 15, 2015, to file the appropriate paperwork to support his motion for § 2255 relief. Failure to do so will result in dismissal of this case.

THEREFORE, IT IS ORDERED:

1. Defendant's motion for an extension of time to file his motion pursuant to 28 U.S.C. § 2255, Filing No. 159, is granted until **January 15, 2015**.

2. The court shall construe Filing No. 159 as a motion for habeas corpus relief, pursuant to 28 U.S.C. § 2255.

3. The Clerk of Court is ordered to submit the appropriate paperwork for a motion pursuant to 28 U.S.C. § 2255 to the defendant.

DATED this 7th day of October, 2014.

BY THE COURT:

s/ Joseph F. Bataillon
Senior United States District Judge